

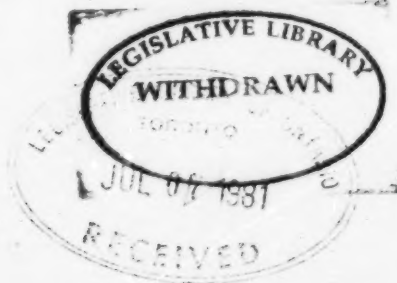
Alberta
Women's

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Alberta Women's Bureau INFORMATION

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ALBERTA LABOUR LEGISLATION OF INTEREST TO WOMEN IN THE PAID WORK FORCE



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Alberta
WOMEN'S BUREAU

Introduction

Every woman employed in Alberta should be aware of her rights as a person and as an employee. This information sheet was prepared as a guide to the protection provided you in The Alberta Labour Act, 1973, The Individual's Rights Protection Act, The Occupational Health and Safety Act, and The Workers' Compensation Act.

The Alberta Women's Bureau gratefully acknowledges the assistance of the Alberta Human Rights Commission, the Labour Standards Branch of Alberta Labour and Alberta Workers' Health, Safety and Compensation in the preparation of this publication.

Discrimination

The Individual's Rights Protection Act is designed to protect the equal rights and inherent dignity of ALL Albertans. While personal prejudice cannot be legislated out of existence, individual Albertans can do a great deal to promote the tolerance and understanding of others.

In general, the Act prohibits discrimination in public accommodation and services, in tenancy, in employment, in employment applications and advertisements, in signs and notices: "On the grounds of race, religious beliefs, colour, sex, physical characteristics, marital status, age (45 - 65 years), ancestry, place of origin".

So far as employment is concerned, the Act prohibits employers and employment agencies from circulating any form of application for employment, or publishing any advertisement in connection with employment or prospective employment, or making any written or oral enquiry of an applicant that expresses either directly or indirectly any limitation, specification, or preference as to sex.

However, the Act permits exemptions from its application if the person wishing to assert that exemption can prove that only someone of a particular sex, religion, race, etc., can do the job s/he wishes to advertise and fill. For example, a sperm donor must be male and a wetnurse must be female.

Furthermore, provisions relating to age and marital status do not affect the operation of any bona fide retirement or pension plan, or the terms or conditions of any bona fide group or employee insurance plan.

How The Act Works

Anyone who feels that s/he has experienced discrimination because of race, religion, colour, sex (including pregnancy or pregnancy-related illness), physical characteristics, marital status, age, ancestry, or place of origin, may file a complaint with the Alberta Human Rights Commission.

If the Commission finds that the complaint is substantiated, it will attempt to correct the problem. If settlement is unsuccessful, the complaint may be referred to a public Board of Inquiry, or, ultimately to the Supreme Court of Alberta.

The Act prohibits reprisals against any person who complains to the Commission, gives evidence, or assists it in any way:

"no person shall evict, discharge, suspend, expel, intimidate, coerce, impose any pecuniary or other penalty upon, or otherwise discriminate against any person because that person has made a complaint....."

Equal Job Opportunity

The Individual's Rights Protection Act prohibits discrimination because of sex or marital status in employment practices: in recruitment and hiring, training and apprenticeship, promotion and transfer, dismissal, terms and conditions of employment, and membership in trade unions. An employer who classifies a job or maintains separate seniority lists based on sex or marital status contravenes the Act.

Equal Pay

The equal pay provision of The Individual's Rights Protection Act states that:

1. no employer shall:

- a) employ a female employee for any work in the same establishment at a rate of pay that is less than the rate of pay at which a male employee is employed by that employer for similar or substantially similar work, or,
- b) employ a male employee for any work in the same establishment at a rate of pay that is less than the rate of pay at which a female employee is employed by that employer for similar or substantially similar work.

2. Work for which a female employee is employed and work for which a male employee is employed shall be deemed to be similar or substantially similar if the job, duties or services the employees are called upon to perform are similar or substantially similar.
3. A difference in the rate of pay between a female and male employee based on any factor other than sex does not constitute a failure to comply with this section if the factor on which the difference is based would normally justify such a difference.....

Where an employee is paid less than the rate of pay to which the employee is entitled under this section, the employee is entitled to recover from the employer by action the difference between the amount paid and the amount to which the employee was entitled, together with costs.....

Any woman who believes she is receiving less pay than a man employed in the same company for doing substantially similar work should contact the Alberta Human Rights Commission. (The addresses and telephone numbers are listed on page 10).

Wages

On 1 May 1980, the minimum wage in Alberta was increased to \$3.50 per hour for all employees 18 years of age or older. It applies to all employees regardless of whether they work full-time or part-time.

The minimum wage for a person under 18 years of age is \$3.35 per hour, or \$3.00 per hour for students under 18 years of age who are attending school. The latter does not apply to students receiving training or field experience (as in a hospital or medical clinic), or to students participating in a school-related work experience program. Certain salespersons must receive a minimum of \$140.00 per week.

The Alberta Labour Act, 1973, and its minimum wage rules, do not apply to people engaged in domestic work in a private dwelling, to farm workers, Alberta government employees, and municipal police.

The law requires every employer to post a copy of the minimum wage order where every employee may see it.

Employees receiving the minimum wage can be charged no more than \$1.15 for a single meal and \$1.45 a day for lodging.

An employer may not reduce the wages of an employee below the minimum wage by making a deduction:

1. for an employee's accidental breakages, or,
2. for any charges incurred in acquiring a uniform or special wearing apparel required by employment, including the repair or laundering of such garments.

For more information about minimum wages, contact the Labour Standards Branch of the Department of Labour at any of the addresses listed on page 11.

Unions

The Alberta Labour Act, 1973, states that every employee has the right to join a union except one who, in the opinion of the Board of Industrial Relations, is employed in a confidential or managerial capacity, who is a member of the medical, dental, architectural, engineering or legal professions qualified to practise under the laws of Alberta and who is employed in her/his professional capacity.

The Act also prohibits an employer from compelling a person to refrain from becoming or to cease to be a member, officer, or representative of a trade union. An employee has the right to be a member of a union and to participate in its lawful activities and to bargain collectively with the employer through a bargaining agent.

Statement of Earnings and Deductions

The Alberta Labour Act, 1973, requires an employer, at the end of each period of time in respect to which wages are paid, to give to each employee, for retention, a statement showing:

1. the number of hours worked
2. the amount of wages paid at a straight-time rate
3. the amount of wages paid at an overtime rate
4. the amount of any bonus or living allowance paid
5. the amount of any vacation pay paid
6. the amount of any general holiday pay paid
7. the amount of any sum of money paid in lieu of notice of termination of employment
8. the amount of each deduction from the earnings of the employee and the purpose of which each deduction was made.

The period of employment established by the employer for the computation of wages shall not be greater than one calendar month.

Hours of Work

Generally, an employee shall not work in excess of 8 hours in a day and/or 44 hours in a week of not more than six working days except where special orders have been issued by the Board of Industrial Relations for specific industries. There are regulations providing for a variation of an employee's daily and weekly hours of work. For more information, contact the Labour Standards Branch at any of the addresses listed on page 11.

Overtime Pay

Hours worked in excess of the allowable limits must be paid at one-and-one-half times the employee's regular rate of pay. For most industries, overtime is payable on all hours worked in excess of 8 hours per day and/or 44 hours per week, whichever is the greater.

Night Work

The law does not require an employer to provide transportation to or from work for an employee who works between the hours of 12:01 a.m. and 6:00 a.m. Such an order for female employees was rescinded on 23 August 1973.

Vacations With Pay

An employee who has worked 12 months for an employer is entitled to two weeks' vacation with pay during the following 12 months. An employee who has worked for less than 12 months is entitled to receive four per cent of gross regular earnings on termination of employment.

Employees in the construction industry, with the exception of office workers, are paid four per cent of gross regular earnings in each pay period, payable:

1. the day before vacation commences when the employee is given a vacation, or,
2. on 31 December when the employee did not receive a vacation during the preceding 12 months, or,
3. on termination of employment when an employee has worked less than 12 months.

General Holiday Pay

There are eight general holidays each year: New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day.

An employee will be paid for a general holiday if:

1. s/he worked 30 days in the 12 months preceding the general holiday for an employer
2. the general holiday occurs on the employee's regular work day
3. the place of business is closed.

An employee who is required to work on a general holiday will receive an additional payment of one-and-one-half times the regular wage for all hours worked on the holiday, or a regular day off with pay not later than her/his next annual vacation.

An employee in the construction industry, with the exception of an office worker, is compensated for these holidays by receiving 3.2% of gross regular earnings on 31 December, or on termination of employment.

Meal and Coffee Breaks

Alberta Labour Standards do not require an employer to provide breaks of any kind.

Lifting Weights

The Occupational Health and Safety Act and Regulations (which do not distinguish between men and women in any of their provisions), state that "Every employer shall adopt and use methods and procedures which are adequate to render his employment or place of employment safe and shall do everything necessary to protect the life, health and safety of his employees". The Occupational Health and Safety Division provides advice and consultation regarding acceptable weights to be lifted and the proper procedures for lifting. Addresses and telephone numbers are given on page 11.

Rest Areas

At the time of writing, the Occupational Health and Safety Division is developing regulations governing a worksite's washing, sanitary and eating facilities. All such facilities must meet the requirements of The Uniform Building Standards Act and Regulations at the time of construction. The Occupational Health and Safety Division provides advice and consultation on the layout and general requirements for these areas. See page 11 for addresses.

First Aid

The requirements for first aid services and facilities vary according to the nature of worksites and the number of workers. For more information, refer to The Occupational Health and Safety Act and Regulations, or contact the Division itself. Addresses are shown on page 11.

Injury

Workers whose industries are covered by workers' compensation are entitled to compensation as a result of employment-related injuries or disablement by specific diseases.

Because the compensation takes the place of right of action, an employee cannot sue for damages.

Benefits include periodic payments while temporarily disabled, all medical treatment, hospitalization, and rehabilitation.

There are provisions for monthly and lump-sum payments for the dependent spouses and children of workers killed on the job.

For more information, contact the Workers' Compensation Board at any of the addresses listed on the last page.

Sick Leave

There is no provision in Alberta's labour law for sick leave.

Maternity Leave

Effective 1 January 1977, a pregnant employee who has worked for her employer for at least one year is entitled to maternity leave without pay.

Except in special circumstances, the maternity leave may not exceed 12 weeks immediately preceding the estimated date of delivery and six weeks immediately following the actual date of delivery. (Date of delivery includes termination of a pregnancy for any reason.)

The employee must give the employer two weeks' written notice of commencement of maternity leave.

The regulations also provide for the employee's reinstatement in her previous job, or the assignment of equivalent work.

Maternity leave provisions do not apply to the adoption of children.

A pregnant woman is entitled to Unemployment Insurance benefits after 20 weeks of insured employment. Benefits are paid for nine weeks before confinement, and six weeks after. For further information, contact the Unemployment Insurance Commission offices in your centre, or at any of the offices listed on the last page.

Termination of Employment

An employee who has worked more than three months, but less than two years, must receive seven days' written notice or be paid the wages that s/he would have earned in those seven days.

An employee who has worked two or more years must receive 14 days' written notice or the wages that would have been earned in those 14 days.

An employer is required to give an employee written notice of termination of employment, dated and served personally or by registered mail.

There are a number of exemptions from this regulation involving employees who are employed on a seasonal basis, part-time employees who are employed intermittently, workers on a construction site, and dismissal for just cause.

If you think you were fired with insufficient length of notice or incorrect pay, you may contact the Labour Standards Branch in your area. If you believe that discrimination was involved in your firing, contact the Alberta Human Rights Commission. The addresses are given on page 10.

Unemployment Insurance

In general, an employee is eligible to receive unemployment insurance benefits after 10 - 20 weeks of insured employment. For details covering benefits payable to employees who are pregnant or ill, contact an Unemployment Insurance Commission office.

To qualify for payments, an applicant must be:

1. willing to accept any suitable work which s/he is capable of handling
2. unemployed and not receiving money
3. looking for work.

An employee who quits a job or is fired can expect a waiting period of up to eight weeks before receiving any benefits. The waiting period is two weeks if the employee is laid off. (More information is available from local Unemployment Insurance Commission offices, or at the addresses given on the last page.)

Domestic Work

Persons employed in domestic work in a private dwelling, who are paid by their employer while he is the occupant of the private dwelling, are excluded from the provisions of The Alberta Labour Act, 1973, and its regulations. However, any employee who believes that s/he was unfairly treated can usually resolve the problem through the Small Claims Court (addresses follow).

Small Claims Court

611 Fourth Street S.W.
Calgary, Alberta
T2P 1T5

Telephone: 261-7217

Law Courts Building
1A Sir Winston Churchill Square
Edmonton, Alberta
T5J OR2

Telephone: 423-7643

Staff at the above will refer you to the Small Claims Court nearest you if you don't live in Calgary or Edmonton.

Legislation

You may purchase The Alberta Labour Act, 1973, for \$1.50, The Individual's Rights Protection Act for \$0.50, The Occupational Health and Safety Act and Regulations for \$0.25 (it's free to walk-in customers at the offices named below), The Uniform Building Standards Act for \$0.50, and The Workers' Compensation Act for \$1.25.

Contact:

Alberta Government Services
Public Affairs Division
Print Procurement Services
924 J.J. Bowlen Building
620 Seventh Avenue S.W.
Calgary, Alberta
T2P 0Y8

Telephone: 261-6251

Alberta Government Services
Public Affairs Division
Publications & Statutes Branch
11510 Kingsway
Edmonton, Alberta
T5G 2Y5

Telephone: 427-4952

Addresses

Albertans may contact any provincial government department toll-free by dialing the local Regional Information Telephone Enquiry (R.I.T.E.) operator who will connect you with the appropriate department. The R.I.T.E. number is listed in the white pages of the telephone directory under the heading Government of Alberta.

Alberta Human Rights Commission

1253 Ford Tower
633 Sixth Avenue S.W.
Calgary, Alberta
T2P 2Y5

Telephone: 261-6571

10th Floor I.B.M. Building
10808 - 99 Avenue
Edmonton, Alberta
T5K 0G5

Telephone: 427-8547

Board of Industrial Relations

5th Floor Ford Tower
633 Sixth Avenue S.W.
Calgary, Alberta
T2P 2Y5

Telephone: 261-7581

10th Floor I.B.M. Building
10808 - 99 Avenue
Edmonton, Alberta
T5K 0G5

Telephone: 427-8547

Labour Standards Branch

11th Floor Ford Tower
633 Sixth Avenue S.W.
Calgary, Alberta
T2P 2Y5

Telephone: 261-6555

403 Princeton Place
10339 - 124 Street
Edmonton, Alberta
T5N 3W1

Telephone: 427-3731

#306, 9905 - 100 Street
Grande Prairie, Alberta
T8V 2L8

Telephone: 539-2253

315 Government Centre
Lethbridge, Alberta
T1H 0H5

Telephone: 329-5447

770 Sixth Street S.W.
Medicine Hat, Alberta
T1A 4J6

Telephone: 527-3524

#204, 4808 - 50 Street
P.O. Box 5002
Red Deer, Alberta
T4N 5Y5

Telephone: 343-5153

Occupational Health and Safety Division

1021 Tenth Avenue S.W.
Calgary, Alberta
T2R 0B7

Telephone: 261-2222

3rd Floor Oxbridge Place
9820 - 106 Street
Edmonton, Alberta
T5K 2J6

Telephone: 427-6971

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Unemployment Insurance Commission

Calgary North Office:

727 - 33 Street N.E.
P.O. Box 20, Station J
Calgary, Alberta
T2A 6M3

Telephone: 231-5840

Calgary Central Office:

Government of Canada Building
220 Fourth Avenue S.E.
P.O. Box 2530
Calgary, Alberta
T2P 2T7

Telephone: 231-4020

417 Mayor Magrath Drive
Lethbridge, Alberta
T1J 4C6

Telephone: 329-6522

Main Floor, Data Block
10118 - 101 Avenue
Grande Prairie, Alberta
T8V 0Y2

Telephone: 532-4411

Edmonton North Office:

10704 - 102 Avenue
Edmonton, Alberta
T5J 0G2

Telephone: 420-2207

Edmonton South Office:

10454 - 82 Avenue
Edmonton, Alberta
T5P 4C5

Telephone: 439-2075

2nd Floor Federal Building
406 - 2nd Street S.E.
Medicine Hat, Alberta
T1A 0C3

Telephone: 526-2825

NOTE: You cannot use the R.I.T.E. system to contact federal government departments.

Workers' Compensation Board

205 Fifth Avenue S.W.
Calgary, Alberta
T2P 2N6

Telephone: 231-9100

9912 - 107 Street
P.O. Box 2415
Edmonton, Alberta
T5J 2S5

Telephone: 427-1100